

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7072
BILL NUMBER: HB 1248

NOTE PREPARED: Jan 25, 2005
BILL AMENDED: Jan 24, 2005

SUBJECT: Jail Costs for Methamphetamine Offenses.

FIRST AUTHOR: Rep. Grubb
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It allows a county to require persons sentenced for certain felonies and misdemeanors, including methamphetamine offenses, to reimburse the county for the costs of incarceration in the county jail.

(B) It allows a court to order: (1) a person of any age who is convicted of a crime; or (2) a juvenile who is adjudged delinquent by a juvenile court; on home detention to wear a monitoring device that uses a global positioning system (GPS) satellite service to transmit the location of the person or juvenile at all times.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Provision A:* The bill would provide a cost saving for county jails that house people sentenced for a crime and required to pay the county for the costs of incarceration. The magnitude of the savings would depend on the actions of the courts, county fiscal bodies, and the offenders' ability to pay.

Background: Based on a one-day snapshot of the state Department of Correction prison population, offenders

sent to a state correctional facility spend on average 199 days in county jail. Current law indicates that the offender must pay the lesser of a per diem specified by the county fiscal body or \$30, or for a county with a general population of less than 6,000, a maximum of \$50 per day. The court may not fix an amount that exceeds the offender's ability to pay.

The reimbursement would not apply to a person who is in the custody of the Department of Correction, but confined in a county jail. County jail costs statewide are estimated at an average of \$44 per inmate per day, and the state budget for the biennium (FY 2004 - FY 2005) provides for state reimbursement to counties housing state prisoners of \$35 per inmate per day plus medical expenses.

[Note: The average number of days served in a county jail by county is available from Legislative Services Agency.]

Provision B: Under current law, an offender sentenced to home detention can be either with or without electronic monitoring. Electronic monitoring, as defined in current statute, is limited to transmitting a radio frequency from the offender's home. Under the bill, a monitoring device could include a GPS satellite service with a device worn by the offender.

This bill could increase the costs for monitoring offenders or it could require probation departments to change the way that offenders are monitored if offenders on home detention must be monitored constantly. If a probation department or community corrections agency is not adequately staffed to provide constant supervision, then the department or agency would be required to add staff to allow for monitoring and response or provide for more flexible working schedules.

Between CY 2000 and 2002, the trend in the number of offenders on home detention has shown no clear pattern.

Offenders on Home Detention by Calendar Year			
	<u>2000</u>	<u>2001</u>	<u>2002</u>
Adult felons	4,701	2,274	2,655
Adult misdemeanants	1,198	735	1,019
Juvenile felons (if offense committed by an adult)	178	204	261
Juvenile misdemeanants	<u>146</u>	<u>190</u>	<u>210</u>
Total number of offenders	6,223	3,403	4,145

As an example of the difference in cost, the daily cost of a radio frequency device that monitors offenders in their homes is \$1.30 in Marion County, while the cost of a global positioning satellite system is \$5.00 per day.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County jails; Courts; Probation Departments; Community Corrections Agencies.

Information Sources: Department of Correction, *One-Day Survey of Prison Population, December 16, 2004*; Indiana Sheriff's Association; Indiana Home Detention Reports, 2000 - 2001, Brian Barton, President, Indiana Association of Community Corrections Act Counties.

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